

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
)	
Amendment of Part 90 of the)	WT Docket No. 11-69
Commission's Rules to Permit)	
Terrestrial Trunked Radio (TETRA))	
Technology)	
)	
Request by the TETRA Association for Waiver)	ET Docket No. 09-234
of Sections 90.209, 90.210 and 2.1043 of the)	
Commission's Rules)	

**REQUEST FOR CLARIFICATION OF
THE NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits this Request for Clarification of the Commission's waiver of the rules to permit certification and use of TETRA equipment, subject to certain conditions, pending the outcome of this rulemaking proceeding.¹ This request for clarification relates only to operation on the 821-824/866-869 MHz band segment under the waiver. Comments to the Notice of Proposed Rulemaking in this proceeding will be submitted separately by the comment deadline, currently set for June 27, 2011. At the recent NPSTC meeting May 16 and 17 in Washington, DC, the waiver and NPRM were discussed and public safety representatives raised concerns about the impact to interoperability of enabling TETRA technology in the public safety bands.

¹ *Notice of Proposed Rulemaking and Order* in the matter of Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology (WT Docket No. 11-69) and Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission's Rules (ET Docket No. 09-234), released April 26, 2011.

The National Public Safety Telecommunications Council

The National Public Safety Telecommunications Council is a federation of public safety organizations whose mission is to improve public safety communications and interoperability through collaborative leadership. NPSTC pursues the role of resource and advocate for public safety organizations in the United States on matters relating to public safety telecommunications. NPSTC has promoted implementation of the Public Safety Wireless Advisory Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policy involving public safety telecommunications, analyzes the ramifications of particular issues and submits comments to governmental bodies with the objective of furthering public safety telecommunications worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications.

The following 15 organizations participate in NPSTC:

- American Association of State Highway and Transportation Officials
- American Radio Relay League
- Association of Fish and Wildlife Agencies
- Association of Public-Safety Communications Officials-International
- Forestry Conservation Communications Association
- International Association of Chiefs of Police
- International Association of Emergency Managers
- International Association of Fire Chiefs
- International Municipal Signal Association
- National Association of State Chief Information Officers
- National Association of State Emergency Medical Services Officials
- National Association of State Foresters
- National Association of State Technology Directors
- National Emergency Number Association
- National Sheriffs' Association

Several federal agencies are liaison members of NPSTC. These include the Department of Homeland Security (the Federal Emergency Management Agency, the Office of Emergency

Communications, the Office of Interoperability and Compatibility, and the SAFECOM Program; Department of Commerce (National Telecommunications and Information Administration); Department of the Interior; and the Department of Justice (National Institute of Justice, CommTech Program). NPSTC has liaison relationships with associate members, the Telecommunications Industry Association, the Canadian Interoperability Technology Interest Group, the National Council of Statewide Interoperability Coordinators and the Utilities Telecom Council.

Request for Clarification

On April 26, 2011 the Commission issued a combined Notice of Proposed Rulemaking regarding proposed rules relating to TETRA equipment certification and operation and an Order which granted in part a request for waiver by the TETRA Association, pending outcome of the rulemaking proceeding. The Commission granted the waiver of sections 90.209 and 90.210 of the rules concerning authorized bandwidth and emission limits, subject to certain conditions.

Under the waiver Order, the Commission indicated TETRA equipment certification will be authorized for the 450-470 MHz and 817-824/862-869 MHz bands.² The waiver decision also limits TETRA operation to Industrial/Business Pool frequencies in the 450-470 MHz band, and ESMR frequencies in the 800 MHz band. Further, as noted in the waiver Order, “The issues of TETRA use in the public safety bands and with cellular-like architecture will be addressed in the rulemaking proceeding.”³ NPSTC believes clarification is needed that operation is not allowed under the waiver on the 821-824/866-869 MHz portion of the band for which equipment certification is being authorized because that segment of the “ESMR band” is still being used for public safety, pending completion of 800 MHz rebanding.

NPSTC is concerned that without such clarification, there could be some confusion whether

² NPRM and Order at paragraph 24.

³ NPRM and Order at paragraph 22.

or not TETRA is allowed under the waiver in the 821-824/866-869 MHz portion of the band. Clarity is needed regarding operation in the various segments of the 817-824/862-869 MHz spectrum because both public safety operations and ESMR operations are currently allowed in the upper 3 +3 MHz of that band. Also, given the issues the Commission raises in the NPRM about interoperability in public safety, NPSTC concurs that the issue of operation on bands used by public safety is a subject for the rulemaking proceeding and not the waiver.

NPSTC requests that the Commission provide the requested clarification on an expedited basis to ensure its intentions regarding TETRA operation in 821-824/866-869 MHz portion of the band still being used by public safety are clear for the public safety community.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Ralph A. Haller", written in dark ink.

Ralph A. Haller, Chairman
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May 26, 2011